IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Bail Appl..No. 582 of 2007()

CMP.7863/2006 of J.M.F.C., KAYAMKULAM

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: PETITIONER/ACCUSED.

PANKAJAKSHAN, S/O.PADMANABHAN,
KINARUVILA VADAKKATHIL, KADUVINAL MURI,
VALLIKUNNAM VILLAGE, MAVELIKARA TALUK.

BY ADV. SRI.RASHEED C.NOORANAD

RESPONDENTS: COMPLAINANT/STATE.

STATE OF KERALA, RERPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 582 of 2007

DATED: 31st January, 2007

O R D E R

Petitioner who is the accused in Crime No. 248 of 2006 of Mavelikkara Excise Range for offences punishable under Sections 8 (1) and 8(2) of the Abkari Act for having been found in possession of 1.5 litres of arrack on 27-11-2006 and who was also arrested on the same day, seeks his enlargement on bail.

2. Eventhough the learned Public Prosecutor opposed the application submitting inter alia that the petitioner is an accused in other crimes involving similar abkari offences, he fairly conceded that no final report has been filed even after 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Kayamkulam, and subject to the following conditions:-

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall make himself available for interrogation as and when required by the investigating officer.

4. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE

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